

Region 7 Citizens Advisory Committee (CAC)
Legislative Open House
December 1, 2016

FWP Staff Present: Brad Schmitz, John Ensign, Mike Backes, Erin O'Connor, Marla Prell, Jack Austin, Doug Habermann, Dustin Temple and Hank Worsech

CAC Members Present: Bill Klunder, Bob Gilbert, Dale Kreiman, George Luther, Glenn Heitz, Ed Bukoskey, Gary Sparks and Ed Joiner

CAC Members Absent: Bob Hagedorn and Mark Frisinger

Area Legislators Present: Eric Moore, SD 19

Brad began the meeting by highlighting the agenda and our purpose for gathering today. He thanked Senator Moore for attending and explained how our CAC functions and what this group of individuals represents. All CAC members and staff then introduced themselves.

Department Funding

Dustin Temple, Chief of Administration and Technology for the Directors Office, then discussed the agency's finances. He has been getting a lot of questions about revenue, especially since the passing of House Bill 140 after the last legislative session. Dustin distributed two different handouts demonstrating the Department's funding sources and where Parks' funding comes from.

There are two distinct sides of the agency – the Fish & Wildlife side with one particular set of funding sources, and the Parks side which has another set of funding sources. Those two funding sources cannot come together. HB140 and the additional revenue that it is bringing to the Department helps the Fish & Wildlife portion but does not do anything for Parks. Of note is that Parks' visitation continues to climb statewide. However, in order for Parks to meet visitors' expectations and maintain existing facilities and service level, and deal with a significant backlog of infrastructure needs, we will need to explore new revenue ideas.

For Fish & Wildlife, the General License Fund is all of the revenue from fishing and hunting licenses that is not earmarked by the Legislature for other purposes. We receive a fair amount of federal money for both Wildlife and Fisheries from excise taxes on hunting and fishing equipment, ammunition, etc. These funds require a 25% state match and are used for such things as fish hatcheries, fish and wildlife population survey and inventory, Block Management, etc. A number of our programs are funded with license dollars that are earmarked by the Legislature for specific areas of spending.

Dustin then discussed the Parks budget and its breakdown. There are four major sources of funding for Parks - user fees, the \$6 vehicle registration fee, a portion of the bed tax and the motorboat fuel tax and some interest from the Coal Tax Trust. We will be looking for ways to help Parks overcome their funding challenges.

HB 140 passed through the last Session with a lot of support. We've been tracking the revenues since that bill took effect. HB 140 was designed to fund the Department at roughly its current level

through a four-year cycle, rather than the previous 10-year cycle. We're committed to reviewing Parks revenues on that same schedule. Dustin reported that we are cautiously optimistic with what we are seeing in our tracking of the fiscal note associated with HB140. Our initial revenue estimates are based on a fairly small sample size due to when the revenues from the license fee increases went into effect, but we're feeling pretty good about it so far.

One thing we get asked about a lot is the new Base Hunting License, which so far has generated \$1.18 million in revenue from 98,000 resident and 37,000 nonresident licenses sold. We anticipated some resistance to this new license, but so far that doesn't appear to have happened. This tells us that participation on the ground is roughly the same and it appears that folks are buying more licenses per person than they were in the past. Resident fishing, elk, deer and upland bird license sales are all up this year. Nonresident fishing licenses and big game sales are up and for the first time since I-161 passed in 2011, all of the nonresident combos sold. Those are a significant contributor to our general license account.

Dustin continued by mentioning that a couple new items this year, not specific to HB140, didn't come in like we thought. The Snowmobile Trail Pass and the Nonresident OHV permit were a little lower in revenues than we anticipated. We'll be working on awareness and education efforts to improve this going forward.

Ed Bukoskey inquired about the status of Hell Creek State Park. Doug responded that the Parks & Recreation Board has directed the Department to return the park to the Army Corps of Engineers' control in 2021. In 2019 the Parks Board will evaluate again where the entire State Parks system as a whole is sitting and determine if the highest priority needs are being met. If so, then Hell Creek would be considered to be retained in the Parks system. Meanwhile, we are going to be proceeding on with upgrades to the water and septic system at Hell Creek. If the park is turned over to the Corps, we want to do so with the park in good shape.

Legislative Update

Hank Worsech, Chief of Licensing, distributed some handouts detailing how the legislative process works and what the FWP legislative proposals will be going into the 2017 session. He then briefly explained some of the timing of when individuals can be involved in watching bills and how the process of bills can be monitored on the web. Bob Gilbert then explained how placeholders work.

There are 12 legislative proposals for FWP in the 2017 session. Three of the 12 have been recommended by the Private Lands/Public Wildlife (PL/PW) council. All have gone through the Environmental Quality Council (EQC) process and have been approved by the Governor's office. By December 15th we have to get a sponsor.

Hank provided an overview of all 12 proposals and clarified any questions about each. The proposal to modify the classification of spotted skunks would remove them from the list of predatory animals and instead designate them as a species in need of management. The Tendoy Mountain bighorn sheep depopulation included the take of sheep subject to the 7-year statutory wait. This was a disincentive for hunters to be a part of that process. There is a proposal to review the waiting period for bighorn sheep licenses so that hunters harvesting young rams less than ¾ curl would not be subject to the 7-year wait period. This is specific only to depopulation hunts.

The proposal to broaden the use of wolf license account funds to include all wolf management would broaden the definition of 'wolf management' to include activities such as setting/monitoring trapping/hunting seasons for wolves.

Senator Moore asked if this has been addressed with the ag groups, to which Hank replied that it has.

Bob made a suggestion that we reconsider language to include that funds will not be going towards reintroduction of wolves into additional areas.

The proposal to allow digital carcass tags is required to ensure MCA 87-6-411, 87-6-412 and other statutes that include the language specific to paper documents is broadened to allow for the use of smart phone carcass tags to be validated in the field. Hank ensured everyone that we are not necessarily going forward with digital tags yet; this is simply just giving us the ability to pilot the idea and try it. We would likely try this out with something like turkey tags.

Another proposal would extend the sunset date for the paddlefish caviar program by another two years to June 30, 2020. Bob commented that the new incoming senator for that area already had or will have a request in to make this 10 years. He suggested we get together with this senator and work to come up with one bill.

Legislation is proposed to eliminate language that limits coldwater fish propagation at the Fort Peck Hatchery. Currently, only 750,000 coldwater fish can be produced at the hatchery. A water project being undertaken at the hatchery provides the ability to increase the quantity and quality of water to the hatchery and increase production of coldwater species without impacting warm-water production.

We have a proposal to tighten the statute pertaining to fish transport and transplantation. Currently, pond owners have to get fish from a lawful source but the statute does not require a commercial hatchery owner to verify that they have a legal pond permit prior to the transportation of the fish. There has been instances of unauthorized transport and placement of fish. Legislation is proposed to include a requirement in the statute to require a commercial hatchery owner to verify the possession of a legal pond permit prior to transportation of fish to a private pond in addition to reporting current pond permit information.

There is also a proposal to add to the list of additional penalties for hunting while using projected artificial light.

A proposal has been made for new legislation that is necessary to reauthorize FWP to allocate two Yellowstone National Park (YNP) wild buffalo licenses to each of the eight Montana tribes identified by the statute. The current statute for this sunsetted on July 1, 2015.

The first PL/PW bill is to increase the payment to Block Management cooperators to a cap of \$15,000. The last time the cap was increased was 15 years ago when it went to the current \$12,000. Hank reported that this looks like it may affect about 60 cooperators. Bob stated that he wanted to make sure money that was previously included for fighting noxious weeds remains in place, to which Hank said it will. Ed Bukoskey also commented that he has heard about Region 7 losing a large cooperator because of the current payment.

The second PL/PW bill is to combine the “Come Home to Hunt” and “Nonresident Montana Native” licenses. These licenses were originally created in separate legislation and have somewhat similar requirements. We are proposing it as an agency bill to combine these to eliminate confusion and create consistency.

The final proposal is also a PL/PW bill to modify 87-2-513 to include a complimentary license and potentially other adjustments. Currently landowners who provide free public elk hunting access on their land could receive a complimentary elk permit for that land. Nonresident landowners have no ability to get this permit if nonresident licenses are oversubscribed. It also clarifies that for every four public permit holders a landowner allows to hunt under the contractual public elk hunting access agreement, the department may issue one license, permit or combination of the two. Legislation is necessary to revise 87-2-513 to allow nonresident landowners to get the same complimentary incentive through an elk license when nonresident licenses are oversubscribed.

Senator Moore asked Hank if he has heard much about anything related to grizzly reintroduction. Hank stated he hasn’t heard anything to this point. Brad added that he hasn’t heard anything on our level either, and that he anticipates we won’t until the Federal folks move forward with a decision on grizzly bear status.

Senator Moore

Brad then turned the floor over to Senator Eric Moore to address the group. Senator Moore serves on the Ag committee and has dealt a lot with Health and Human Services, education and ag and landowners issues in his terms. He hasn’t been involved too much in FWP issues. He feels the Department should be glad that it’s not funded through the general fund as he anticipates a very tight budget session. The state’s ending fund balance has dwindled to \$116 million which is an issue. DPHHS has become the single biggest spender of general fund dollars. Another big issue that he foresees this session is coal.

As far as FWP issues, he feels we’ve addressed a lot of them. He also anticipates access is going to be a major issue, more so than usual. There was more mention of public lands and public access in this last election session than he can remember. He wouldn’t be surprised to see corner crossing come into discussion, as well as potentially the Stream Access Law.

Brad thanked Senator Moore for attending and encouraged him to reach out to us if there’s anything we can do to help him out during the session, etc.

Roundtable Discussion

Brad opened up the floor for roundtable discussion with our CAC members.

Dale Kreiman: He’s been a Block Management cooperator for 25 years. He has enjoyed being on this committee and sharing communication between us and his hunters. He doesn’t believe there was much, if any, sharp-tail hatch in his area this year. He hasn’t seen any birds and his hunters have said the same thing. He’s seen a good number of mule deer but minimal whitetail. He has noticed more antelope and there was more antelope hunters this year as a result. He had four antelope hunters with eight tags and they were able to harvest eight antelope. However, they ran into a snag and he’s wondering about an interpretation of the law regarding proof of sex. There was an incident with them at the Lewistown check station and he’s wondering about what transpired there.

Jack replied that if a hunter is transporting an animal we have to be able to identify the sex and species of the animal until it is processed into ready-to-consume packages. Where we sometimes struggle is the definition of “cut and wrapped”. We’re challenged with determining how many and what species when we check folks. What constitutes as proof of sex and species and how to go about following that regulation is probably one of the most common questions we get.

Dale concluded with saying that this was probably the most even hunting season he’s seen in a while; things went well. He didn’t have to turn down hunters but there weren’t many days that there wasn’t someone hunting on his BMA.

Bob Gilbert: Marla has been sending out lots of good stuff. Intake remains a big topic in his area, which is very important. He has heard from both proponents and opponents. There is a lot of mention of “the biologists” in discussions about Intake. There is also a misunderstanding of the cost associated with the different options for this project. Where is FWP on that?

Brad replied that our role has become a technical advisor-type role. The state stance is that we’re going to support the Fish & Wildlife Service and the Corps’ plan for this as long as those two agencies stay engaged in case it doesn’t work, and as long as water is delivered to the irrigators and fish can pass. Those are the main premises that the state’s worried about. We’re an easy target a lot of times because we’re here on the ground whereas the federal folks come and go from other states. Our role as an agency is to advocate for fish and do the best we can with biology, but we also are very cognizant that we work for the Governor and Director who ultimately make the decisions in this process.

Mike and his crew have spent a lot of time trying to provide a technical capacity so that the Federal agencies can make better decisions. Mike added that what we’re looking at now is the interim period until something gets done at Intake, whether that’s this spring or years down the road. Our role in the meantime is to do more of what we’ve been doing – continuing to increase telemetry work to understand what palid sturgeon do, how they utilize the system, what their basic needs are, etc. We also have to ensure that they’re going to be around for the future like we do with all other species, so we’re artificially propagating those adults using what is still left out there. This ensures that each adult is represented in a juvenile fish so when those adults perish of old age, which we estimate to be approximately 2021, their genetic makeup is represented in a fish out there. We’re providing the staff and the Bureau of Reclamation is providing funding to get as many radios as we can in fish to look at not only palid sturgeon, but other species of special concern. This includes paddlefish, sauger, shovelnose sturgeon, and blue sucker. The entire Fisheries crew in this region spends a considerable amount of time between April 1 through August tracking pallid sturgeon and other native species in the lower Yellowstone River.

Bob added that he hears a lot of ‘coffee shop talk’ and he doesn’t want the Department to take responsibility for supporting either Intake option. We should continue to provide information. There is 54,000 acres under irrigation in a 107-year old irrigation system.

Bob continued by mentioning the proposal from Backcountry Hunters & Anglers to allow the Commission to restrict motorboats on some waters. He feels eastern Montana is being left out of discussions regarding this; there are no public meetings east of Billings. Brad commented that he thinks part of that is because the locations involved are central Montana-centric and so we were overlooked a bit. He did notice, though, that public comments can be submitted online and he encouraged folks to get online and do so.

Bob added that people from this side of the state do go to the parts of the state where these waters are, and those people should form their opinions based on what they hear in an official hearing. He recognizes that there isn’t always good public involvement at these hearings. Brad replied that he could visit with Helena staff and see about the possibility of including us in one of the hearings via video

conference. If this is an option, we'll get a notice sent out. Bob agreed that he thought that's what should have happened at minimum.

Ed Joiner: The season was pretty quiet in his area. He put on a Hunter Ed class this fall. He had doubts about the apprentice hunter program when it first started but it seems to be working fine. He appreciates the emails from Marla (news releases, etc.). The Northern Cheyenne Tribe (NCT) is working on establishing their own game laws, which is a big deal for them. He heard of some instances of elk being chased off the Reservation and onto private property during hunting season. He left a message with the local warden, but hasn't heard anything back from him as of yet.

Brad commented that we have been in close contact with the NCT the last few months. We've gotten a good understanding of what their concerns are and are trying to help them address that.

All in all, Ed would say it's been a good year.

Ed Bukoskey: He has heard from McRae's that they would like to see some turkeys on the Greenleaf ranch. They used to have many before the big fires in 2012 but have very few now. We should consider transplanting some back into that area. He's enjoyed hearing Bob's comments.

Ed feels the tail is wagging the dog, so to speak, and the Department needs to get a handle on environmentalists. The lighted nocks issue will go fine, he believes, but electronics are becoming a big issue. He has heard about the use of drones in the Breaks and feels this is going to become a problem. He got quite a few comments about the amount of pressure in the Custer National Forest this year; people were upset. He will be addressing this at the PL/PW meeting as well. It seems that the new 007-00 elk B license isn't working as it should and is leading to additional outfitter interest. At some point in time he thinks we need to address the problem of "money in horns." Brad acknowledged that several of these points are subjects we deal with all the time and are challenging for us.

Gary Sparks: A concern he has is that FWP depends a lot on technical people like the biologists, fisheries, etc. How much of their salary is covered by the Feds? Brad replied ¾. Gary stated it seems like everyone is "at the federal trough" and he worries that federal funds may not be available to us down the road. Can the Department pick that amount up?

Dustin replied that these funding sources aren't new. What we've seen is that in order to stretch our license fees as far as we have so we're not constantly asking sportsmen to pay more and more, we have shifted more of our expenditures that are eligible for certain spending. We have made a shift in the last few bienniums to use Pittman-Robertson (PR) funds more than we have. We share Gary's concerns and one of the things we have to be very careful of is that we don't build an unsustainable dependency on these funds, so if something does change we don't get stuck with a program that we don't have any way to fund. Dustin stated that his predecessor did an excellent job of positioning us where she could with the goal of keeping the Department from having to ask for a funding increase earlier than we absolutely had to, and to keep it as modest as possible when we did.

John added that those PR dollars are taxes on arms and ammo. There has been an influx of PR dollars at times and when we've had those they've been used not for permanent positions and so forth, but for one-time things.

Bill Klunder: This was his fourth season processing wild game and he would like to commend Jack as it's the first year he didn't hear a single complaint about a warden. The big horn ram that was recently poached in his area remains a hot topic and he's heard all kinds of stories. He heard some concern about the number of mule deer doe tags available this year and the resulting increased

pressure in the Cherry Creek area. He didn't think there was a giant harvest of does based on what he saw, but there did seem to be a lot of small bucks taken.

Every business he's talked to in the Terry area said this was probably the best hunting season in years as far as the amount of people that came to hunt and spent money in the community. The downside of the season was that while the weather was nice for getting out, it wasn't the best for keeping game. He thinks a course in how to field dress an animal should be included in Hunter Ed.

There are still a few elk being taken in his area. He did hear of about 16 head in one bunch that was seen. He had about a half-dozen come through his shop that were taken in the badlands. All in all, things look pretty good.

Glenn Heitz: He is also part of the museum group in Terry and one interesting thing he has noticed is over the last three years, there seems to be more hunters bringing wives with them who then go to the museum and go shopping. That is a nice draw for eastern Montana. It's not all about the hunting experience; you can bring your spouse with and have a good time. This was the first year he got to hunt with his grandsons and they all got game. Everyone had a good time. It's been a good year.

George Luther: He heard concerns both ways running from hunters to landowners over the number of mule deer doe tags available. He will find out on Dec. 2nd how the Colstrip Deer Management hunt went this year. In the area where the plant requires a doe to be harvested before a buck can be taken, there wasn't much taken, although there was a lot more use of that area. This is the first year he's seen big flocks of turkeys. He saw anywhere from 16 to 35 in different flocks. It's probably the best numbers of turkeys he's seen since probably 2005-2006. It wasn't unusual to run into two or three flocks while out hiking. One issue he sees for Fisheries is that there are a lot of dry reservoirs out there. Raising compensation for Block Management cooperators would be a good thing. He has noticed a lot of predators again this year. In one day of hunting he'd see anywhere from one to five coyotes.

Western Energy has a pheasant release program in the fall for youth hunting. It gets kids out to hunt and there's starting to be more participation in that, which is good to see. He extends his thanks to Marla for her emails and notices. It's nice to get those emails from her in case you miss seeing something in the newspaper. He heard the same comments about there being a lot of people on the Custer National Forest this year.

Conclusion

Brad thanked everyone for their comments and said that we appreciate the networking that everyone does at home. He reviews what we previously discussed each time we meet and some of the same issues come up again and again, like taking commercialization out of hunting. He appreciates everyone's efforts and encouraged folks to visit and contact us anytime. He is happy to hear a couple folks mention that Marla's got our communication level up and praised Marla for her work.

Brad's thoughts are to meet next summer and do another field expedition, and get out and look at some stuff on the ground. We may head to the east side of the region since we previously went west. We had a really good season this year; people seemed very happy with the things they saw during hunting season. There was lots of critters out there, lots of opportunities and nice weather.

One thing he and Marla have visited about is having more social media-type platforms in the future, such as YouTube clips, etc. This would allow people to be a little more real-time on what we do and how and why we do it. Dale has mentioned more public interaction, which is sometimes hard to do in person with limited staff. However, there are these other tools that are very effective.

We will be in touch in the spring with potential CAC meeting dates.